

THE
Boston-
AND
COUNTRY



Gazette,
JOURNAL.

Containing the freshest Advices,

Foreign and Domestic.

MONDAY, March 14. 1774.

Messrs EDES & GILL.
At a late interment, great numbers of People were collected to see the Cadet Company perform their Exercises; and by the unusual Joy, which appeared in their Countenances, it was apprehended they had forgot the Command, "*Rejoice not when thine Enemy falleth*."

LONDON, November 13.
In the Irish Parliament, notwithstanding the favourable opinion conceived of Lord Harcourt, on his arrival in Ireland, the ministerial party are as powerful as ever, and carry every question as they please. So that that poor devoted nation seems to have no chance to avoid ruin and slavery.

A most affecting picture of their oppression and general distress was exhibited by several of the members in the debates, on motions for laying new taxes and impositions upon them, when they are already burdened with more than they are able to bear. Mr. Fitzgibbon, in his speech against new taxes, among many other affecting passages, has these words,—"I find at last, that the Ministry of England, jealous of our abridged privileges, have their eye on a general land tax, for all other schemes they see are ineffectual; if they tax our soap, the poor must rot in filth, for they would not have wherewith to wash the rage of wretchedness;—if a tax was laid on leather, even the hardened brogue they wear at present must be laid aside; if a tax on candles, the dreary night of winter must be a night of darkness to them;—and if on malt, the cold cup of water must allay their thirst; upward, Sir, of two millions of our poor people are unable to pay any tax as all, whose distresses are so great, and whose poverty is so well known, that instead of the two shillings exacted for their single hearth, when to them the tremendous gatherers appear, they have often been obliged to part with the pot that was to boil their potatoes."

Besides the expences of government, augmented by extravagant salaries to a great number of useless officers, these poor people are burthened with the payment of a list of Pensions amounting to about £.79,000 per ann. to persons with whom they have no concern, and from whom they never received any benefit. —[AMERICANS! Beware of the deplorable State of your long-abused Brethren of Ireland.]

BOSTON, MARCH 14.
His Majesty OKNOOKORTUNKOGOG King of the Narraganset Tribe of Indians, on receiving Information of the arrival of another Cargo of that Cursed Weed TEA, immediately Summoned his Council at the Great Swamp by the River Jordan, who did Advise and Consent to the immediate Destruction thereof, after Resolving that the IMPORTATION of this Herb, by ANY Persons whatever, was attended with pernicious Consequences to the Lives and Properties of all his Subjects throughout America. Orders were then issued to their Seizor & Destroyer General, and their Deputies to assemble the executive Body under their Command, to proceed directly to the Place where the noxious Herb was. They arrived last Monday Evening in Town, and finding the Vessel, they emptied every Chest into the Great Pacific Ocean, and effectually Destroyed the whole, (Twenty-eight Chests and an half.) They are now returned to Narraganset to make Report of their doings to his Majesty, who we hear is determined to honour them with Commissions for the Peace.

On Monday Evening the horrid tragedy of the 5th of March was observed with the usual solemnity, by exhibiting to public view a portrait of that inhuman and cruel Massacre perpetrated by Preston, and his infamous butchers: on the right, a figure of America pointing to her slaughtered Sons, on the left, a monument to the memory of Gray, Attucks, Maverick, Caldwell and Carr. In one of the windows was a representation of H. H. and J. C. in the horrors, occasioned by the appearance of the two phantoms of Emulsion and Dud'ey, addressing them to think of their fate. They appeared to be whipping their ill-guoted guide the modern deity of Liberty.

REFUSED
A Bill against Bribery and Corruption in the Election of Representatives.
A Bill for obliging the Sheriffs of the several Counties to give Bond for the faithful Discharge of their respective Offices.
A Bill to prevent the further Importation of Negroes.

It appears by an Advertisement in the last Court Gazette, that his Excellency the Governor, has, "in Imitation of the pious & laudable Example" "of the Authority of this Province," by "long and uninterrupted Practice," appointed Thursday the 14th of April next, to be religiously observed as a Day of Fasting and Prayer throughout this Province; to implore certain "enumerated Mercies, and other public and private Blessings."—"Pray for the Peace of Jerusalem! May those that seek her Prosperity prosper; and those who have sought or shall seek to procure "an abridgement of what are called English Liberties" be ashamed, confounded and melt away. AMEN.

The Assembly of New-York have granted his Excellency Governor Tryon £.5000 Currency, in some Measure to compensate his Loss at the late Fire. [5]
Capt. Sweet arrived at Newport, brings Advice, that the New-York Tea-Ship was arrived at Antigua, in a very shattered Condition; and a Number of other Vessels, having been blown off this Coast, were also arrived in the West-Indies.

In our last paper we published an account of Capt. Gorham's bringing forty chests of the East India company's Tea consigned to Henry Lloyd, Esq; of this Town, Merchant. Better information obliges us to inform the public that Mr. Lloyd on the fifth and seventh of November last wrote to his correspondent to send him no tea on any account whatever, till further orders. Mr. Lloyd's correspondent concluding (as he wrote) that the people opposed the importation only on account of the monopoly sent 16 chests on the joint account of Mr. Lloyd and himself. Thus Mr. Lloyd directly contrary to his order and expectation has been drawn into view in a light very disagreeable to himself, and wishes nothing more ardently than to have his conduct truly represented to his Country, with whom his highest ambition is to stand fair and agreeably.

MARRIED.] M. Samuel Gore, to Miss Polly Pierce. **DIED.]** Yesterday, at Charlestown, greatly lamented, THOMAS BRIGDEN, Esq; of Westminster, in the 29th Year of his Age. His Remains are to be interred on Wednesday next.

MARCH 6. Last Friday's night, in the Forenoon, Mr. Brown, of Salem, Deputy Sheriff, went on board a Fishing Vessel, at Marblehead, and arrested John Watts and John Guillard, in an Action of Damages for £.5000, commenced by the Gentleman who were Proprietors of the late Essex Hospital, on Suspicion that the said two Persons were concerned in burning that Building on the 26th of January last. The Prisoners were committed to his Majesty's Goal in Salem, about 6 o'Clock, P. M. Almost as soon as the Keys were turned upon them, the People began, in small Companies, to enter the Town from Marblehead, and continued coming in this manner, till near Night, rendezvousing near the Goal. The Magistrates were busy in consulting upon Measures for preserving the Peace, and dispersing the People who were assembling from Marblehead; from whence a still greater Number was expected after dark. About Sunset, on Application to the Colonel of the Militia, the Drums were ordered out, and beat to Arms.—Immediately upon hearing this, the Mob, to the Number of 4 or 500, arming themselves with Clubs, Sticks of Wood, &c. and while it was yet Day-light, made a most furious Attack upon the Goal.—They first burst open the Doors, and broke most of the lower Windows; in that Part of the Building which is the Prison-Keeper's Dwelling; and then, with Iron-Crow, Axes, &c. they soon beat their Way thro' four of the Prison Doors, each of which was very strong, & well secured with many large Locks. Thus having got into two Apartments of the Prison, in less than ten Minutes from the first onset, carried off the above-mentioned two Prisoners in Triumph, and went immediately to Marblehead, where they soon dispersed.—They assembled again the next Day, and obliged the Gentleman above-mentioned to Declare, that no Prosecution should ever after be commenced on Account of burning the Hospital. [6]

TO BE SOLD.
A large handsome & convenient Brick Dwelling House, situate in Hanover-Street, Boston, late the Estate of Jacob Royall, Esq; deceased, containing three Rooms upon a Floor, three upright Stories, the Cellar paved and celled, a large Yard and Garden, an excellent Well of Water, Stable and Chaise House, with every Convenience suitable for a Gentleman. Any Person inclining to purchase the Premises, may apply to RICHARD LECHMERE, Esq;

To be Sold for want of Employer.
A likely, healthy, strong Negro Girl, about 32 Years of Age, can be well recommended.
Inquire of the Printer.

New AUCTION-ROOM, Cornhill.

TO-MORROW at TEN o'Clock will be Sold by PUBLIC VENDUE, at GREENLEAF's Auction-Room,

A very large Assortment of Goods as usual.

The Sale will begin Tomorrow at Ten o'Clock, [For the Benefit of the Insurers]

To-Morrow Morning, Ten o'Clock, Will be Sold by PUBLIC VENDUE,

At the Sail-Loft of Mr. William Kimble, at the North-End. 16 Pieces of damaged RUSSIA DUCK. J. RUSSELL, Auctioneer.

TO-MORROW, At ELEVEN o'Clock, will be Sold by PUBLIC VENDUE, at the Store of Mr. John Head,

A few Bags of damaged PEPPER. J. RUSSELL, Auctioneer.

TO-MORROW, at ONE o'Clock, Will be Sold by PUBLIC VENDUE, at the Bunch of Grapes Tavern in King-Street,

Six Half Pipes Madeira and Four Quarter Cases Claret WINE.—Likewise a very handsome Chaise and Harness, almost new.

J. RUSSELL, Auctioneer.

[For the Benefit of Insurers.] ON WEDNESDAY NEXT,

At ELEVEN o'Clock in the Morning, will be sold by PUBLIC VENDUE, at Mr. John Gray's Rope-Walk,

A Quantity of damaged HEMP. J. RUSSELL, Auctioneer.

ON THURSDAY NEXT, At ONE o'Clock, will absolutely be sold, by PUBLIC AUCTION, at the Bunch of Grapes Tavern in King-Street.

A Large Brick Dwelling-House, belonging to the Estate of Thomas Tyler, Esq; deceased, situated on the Town-Dock, now occupied by Mr. Thomas Lee; also a Warehouse and Shed on Wentworth's Wharf.

At GOULD's Auction-Office in Back-Street, On Friday next,

At TEN o'Clock in the Morning, Will be Sold by PUBLIC VENDUE,

A Variety of English and Hard Ware Goods, as usual.

Also, a Green Harrateen Bed complete, Feather Beds, Bedsteads, Mahogany Tables, Looking Glasses, &c. &c.

R. GOULD, Auctioneer.

N. B. Cash given for Merchandise & un-Merchandise Potash, and Potash Salts, at said Office.

GARDEN SEEDS

IMPORTED in Capt GORHAM, from LONDON, And TO BE SOLD

By Lydia Dyar,

At her Shop near the North Battery, BOSTON; Early Charlton, Early Hotspur, Golden Hotspur, large Marrowfat, Dwarf Marrow, blue Marrow, and Spanish Moratto PEAS; large Windrow, large Toker, early Lisbon, early Hotspur, early yellow Dwarf, early speckled Dwarf, and early white BEANS, with black Eyes; early Yorkshire, early Dutch, Sugar-loaf, large Winter, Battersea, green and yellow Savoy, early and late Colliflower Seeds; B-ft Cabbage Lettice, White Gosh, Green Gosh, Marble and Brown Dutch Lettuce, Seeds, Double Pepper Grapes, round Spinnage, short top, Scarlet and Salmon Radish, double Parley, white Spanish, silver skin and red Onion seeds, long green prickly Cucumber, and early ditto, sweet Marjoram, Thyme, Baum, Sage, Hyssop, Summer and Winter Squash, early and late Dutch Turnip, long French ditto, red Brete, large swelling Parsnip, Orange golden colour'd, early yellow Carrot, & Canby Seeds, warranted to be new and good. LIKEWISE, A Variety of Flower SEEDS.

GARDEN SEEDS imported in Capt. Hood, from LONDON, and Sold

By ANN JOHNSON,

At the Head of Black-Hoile Lane, near the Rev. Dr. Pemberton's Meeting-House.—Particulars in our next.

HACKNEY COACH, drove by George Hamlin, will attend Gentlemen and Ladies to, or from any Part of the Town, at any Time in the Day or Evening, at 1s. each, a single Person for 2s.

N. B. Said Hamlin gives constant attendance at Mr. Padlock's Coach Yard, Long-Acre.

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(3) Lord North. (4) see Hutchinson's Letters, page 114 & 151 see pa. 429. (6) see page 441.

We shall in this Paper conclude our Narrative of the Proceedings of the several Branches of the General Assembly relating to Chief Justice OLIVER. The Council having on the 28th of February by a Message acquainted the Governor that the House of Representatives had laid on the Table Articles of Impeachment of high Crimes and Misdemeanors against the Chief Justice and that they had also laid on the Table Articles of Charge and Complaint against him, his Excellency on the 3d March sent them the following Message, viz.

Gentlemen of the Council,

YOU acquaint me, in your Message of the 28th of the last Month, that the House of Representatives, in their own Name and the Name of the Inhabitants of this Province, by a Committee, had impeached Peter Oliver, Esq; Chief Justice of the Superior Court, of high Crimes and Misdemeanors, and had laid on the Council Table Articles of Impeachment against the said Peter Oliver, Esq; and Prayed that the Governor and the Council would appoint a Time to proceed with, and judge the said Peter Oliver, Esq; as may be agreeable to Law and Justice, and you, therefore, pray that I will be pleased to inform you when I will be present, with the Council, to proceed upon this Business.

The House of Representatives having, by a Message to me, desired that I would be present, in Council, that they might have an Opportunity of laying Articles of Impeachment which they had prepared against the Chief Justice, for high Crimes and Misdemeanors before the Governor and Council, I declined complying with the Request, for Reasons which I thought proper to give in a Message to the House; and this Message was first communicated to you, agreeable to my uninterrupted Practice, that you may be acquainted with every Thing which passes from me to the House. You seem, nevertheless, to consider my being present in Council, to proceed with you upon a Trial for high Crimes and Misdemeanors, as a mere Matter of Course.

You have made it necessary for me to give you my Sense of the Powers of the Governor and Council as they stand related to each other, that you may know upon what Principles I have governed my past, and must govern my future Conduct. — Except in Cases of Wills and Administration, and Marriage and Divorce, the Governor and Council have no Jurisdiction, either civil or criminal, as a Court of Judicature, and the assuming the Powers of such a Court, without Authority derived from the Crown, will undoubtedly be considered as an Offence against his Majesty's Prerogative. In those judicial Proceedings, the Governor is a necessary though not an integral Part. The Council, except in a judiciary Capacity or as a Branch of the Legislature, are, by the Constitution, to be advising and assisting to the Governor, and are to be convened for that Purpose, from Time to Time, at the Discretion of the Governor, and not by their own Act nor by any other Authority whatsoever. I have never thought myself warranted to do, or attempt to do, any Act of Government by myself alone, where the Advice and Assistance of the Council is, by the Charter, made necessary. In all Cases where Acts have been expedient, and also where it has been doubtful whether they were or were not expedient, I have convened the Council in order to their Advice and Assistance: But when any Act has been suggested to be necessary which would counteract and tend to defeat the Acts and doings of the King, or which would be in any other Respect contrary to this Duty which I owe to the King, I have not thought it consistent with Discretion to convene the Council to ask their Advice, whether I should or should not do such an Act, seeing, I dare not do it although they should advise to it. Indeed an Act may be suggested of such a Nature that it would be an Indignity to the King to propose a Question upon it.

As the Governor in this Message takes no Notice of the Paper containing the Articles of Charge and Complaint exhibited by the House against the Chief Justice, the Council the next Day sent him another Message in the Words following.

May it please your Excellency,

SINCE the Message which the Board sent to your Excellency on the 28th of the last Month, to acquaint you, that the House of Representatives had impeached Peter Oliver, Esq; Chief Justice of the Superior Court, of high Crimes and Misdemeanors, and had laid on the Council Table Articles of Impeachment against him, and prayed that the Governor and the Council would appoint a Time to proceed with, examine, try and judge the said Peter Oliver, Esq; as may be agreeable to Law and Justice, the House of Representatives have laid upon the Council Table Articles of Charge and Complaint against the said Peter Oliver, Esq; and pray that the Governor & Council would give Order that the said Peter Oliver, Esq; may be notified to make Answer to the Charges contained in the foregoing Articles, and be brought to a Hearing and Trial thereon: That if he should be found guilty thereof, he may by the Governor and Council, be forthwith removed from his said Office, and some other more worthy be nominated and appointed in his Stead.

These Articles of Charge and Complaint the Board directed the Secretary to lay before your Excellency, together with the Articles of Impeachment aforesaid, and the Secretary informs the Board that he has done it accordingly. In your Message of Yesterday, your Excellency has declined joining with the Board, in any Proceedings with Relation to the Articles of Impeachment, but have not signified your Mind with Respect to the last mentioned Articles of Charge and Complaint. The Board therefore desire your Excellency would be pleased to inform them, what your Determination is, with Respect to those Articles of Charge and Complaint.

On Monday the 7th March, the Council sent a Committee to his Excellency the Governor with the following Message, viz.

May it please your Excellency,

YOUR Message of the 3d instant to this Board relative to the Chief Justice of the Superior Court, and your several Messages to the House of Representatives relative also to him (which with other papers the House by Message have laid before the Board for their consideration) are on a subject of great Importance. They contain declarations from your Excellency which we think do not comport with the spirit of the Charter, and tend to take away or lessen the jurisdiction of the Governor and Council, considered as a judiciary body or court of justice, and therefore it is incumbent on this Board in faithfulness to the province, and in justice to themselves, to take notice of some of them.

Among those papers we find a copy of the Remonstrance of the House addressed to your Excellency and the Council, and your Excellency's answer to it. By the former they pray for the removal of the Chief Justice from his office, and by the latter you declare, that in duty to the King you are obliged to decline their request; and you are pleased repeatedly to decline it on their repeated applications.

But before your Excellency had proceeded thus far, was it not proper, as the Remonstrance is addressed to the Council in conjunction with your Excellency, that it should have been communicated to them for their consideration of it? Is not your undertaking to determine, solely on a matter that falls under the cognizance of the Governor and Council jointly, and is so addressed to them by the House, an unkind and disrespectful treatment of the representative body of the province, and an infringement on the rights of the Council? Or rather does it not annihilate the Council, considered either in their capacity of being advising and assisting to the Governor, or as a court of justice with, or without the Governor? And being done under a profession of duty to the King, does it not tend to alienate the affections of his Majesty's subjects from him? Though such be the pendency, such an effect will not flow from it. If it had been communicated to the Board, they assure your Excellency they would not have done any thing concerning it inconsistent with their duty to the King, notwithstanding any indirect or constructive intimation to the contrary.

Your Excellency's apprehension, that your taking any steps in this business would be counteracting his Majesty, and inconsistent with your duty to him, is founded on the facts mentioned in this clause in your first Message to the House, viz. "His Majesty having been pleased to direct warrants to be prepared for the payment of salaries to the Chief Justice, and to the other Justices of the superior court." I received as Governor of the province the earliest notice of this declaration of his Majesty's pleasure, in order as I conceive that, as far as might appertain to me, I should conform thereto. — This notice (that warrants were directed to be prepared) which appears to be intended only as an article of intelligence, your Excellency, by this and your other Messages on the same subject, construes as an instruction obliging you, not to do any thing to prevent the effect of those warrants, or inconsistent with the intention of them. But what room is there for such a construction, or to suppose you were under such an obligation, when the Justices themselves (at least four of them) whom this affair immediately respected, thought themselves not obliged to take his Majesty's grant, but at liberty to refuse it, and accordingly have refused it from July 1772 (when their stipends were to commence) to the present time, and very lately in the fullest and most explicit manner? As in their refusal which was a more effectual counteracting the intention of those warrants than any thing your Excellency could do, those gentlemen did not think they acted inconsistently with their duty to his Majesty, why should your Excellency think your laying before the Council the Remonstrance of the House inconsistent with your duty to him? Especially when your duty to the province, with which your duty to the King cannot militate, required it.

But supposing the notice of those warrants implied an instruction, or had been accompanied with an instruction, that you should do nothing directly or indirectly inconsistent with the intention of them, why should it operate to prevent your Excellency's even hearing the Remonstrance, and not operate to prevent your consenting to and signing the grants made by the assembly, not only to those four justices, but also to the chief justice, for their services during the same time, for which those warrants were intended to pay them; and for which, by virtue of one of those warrants, the chief justice has in fact been paid? Does not this give room for the apprehension, that your Excellency was not influenced solely by a sense of duty to the King, in refusing to lay before the Board the Remonstrance of the House?

The reasons why it was not laid before them seem to be given in that paragraph of your Message to the House, wherein you are pleased to tell them "that the Council, except when they are considered in their legislative capacity, or as a court for the probate of wills and granting administration, and for determining causes of marriage and divorce, are by the constitution to be advising and assisting to the governor, and do not make one Court or judiciary body with the governor, but the governor is considered as an integral part, and has authority from time to time at his discretion to assemble and call the Council together." — We shall presently consider whether there be not other cases than those here mentioned by your Excellency, in which the Council make one court or judiciary body with the Governor, and in which the Governor is not to be considered as an integral part; but first beg leave to make a few observations on another part of the foregoing paragraph.

We agree with your Excellency, that the Council by the constitution are to be advising and assisting to the Governor. The Governor also with them, or seven of them at the least, shall and may from time to time hold and keep a council for the ordering and directing the affairs of the province. But we humbly ask, what advantages would be derived to the province from this part of the constitution, if the Governor, even in the most important cases, should refuse to hold a council, wherein he might be advised and assisted; and wherein also the Governor with the Council jointly, according to the nature of the case, might take the needful measures for the ordering (that is the well ordering) and directing the affairs of the province? — These clauses of the Charter were doubtless intended for some beneficial purpose. They were intended more effectually to secure to the province a permanent good government, not subject to the will and caprice of a Governor: who, left to act wholly independent of a council, might bring upon the province the greatest mischiefs. Happy it was for the province, that the late Governor Sir Francis Bernard was not thus independent! But the benefits intended by the appointment of a council would be defeated, if the Governor should not call them together when affairs of the greatest importance to the province demanded it; and indeed this would frustrate the end of their appointment in every capacity in which they cannot act without him. To apply this to the subject of the Remonstrance, and to all cases, in which complaint is made to the Governor and Council against officers of their appointments. — It appears to us, that when complaint is thus made, and the Governor refuses or neglects to lay it before the council, he thereby counteracts the spirit and intention of the Charter, which the honour and faith of the crown are pledged to maintain, and gives just reason for uneasiness.

We shall pass over the intermediate Messages, and come to the last message your Excellency sent to the House of Representatives: On which it is necessary to make some observations.

We find by it the House had informed you, that they had resolved to impeach Peter Oliver, Esq; Chief Justice of the Superior Court, before the Governor and Council, of high crimes and misdemeanors; that they had prepared articles of impeachment; and prayed your Excellency would be in the chair, that they might

have an opportunity of laying them before the Governor and Council.

But your Excellency, after making divers observations concerning the manner of trial for crimes and misdemeanors, declined granting their request, by declaring, that "whilst such process as the House have attempted to commence shall appear to you to be unconstitutional, you cannot shew any countenance to it." — It is with great reluctance the Board have entered into the consideration of a subject, on which they are obliged to dissent from your Excellency. But a vindication of their right of jurisdiction as a Court makes it necessary. — The complaint and process aforesaid mentioned are against an executive officer appointed by the Governor and Council. Complaints of this sort are no novelty. Many instances of them have taken place since your Excellency was first a member of the General Court; and some of them, while you were Speaker of the House of Representatives, presented by the House. The Governor and Council have always been esteemed the proper Judicature, before whom officers appointed by the Governor have been tried for crimes or misdemeanors, so far as that, when found guilty, judgment has been given against them, with respect to their continuance in office; and thus far your Excellency has yourself supported the jurisdiction of that Court; which, when your Excellency presided, gave judgment in a recent case for the removal of an executive officer appointed by the Governor and Council. If such cases, in order to such a judgment, are not cognizable by that Court, there is no other Court in the province, by which they are cognizable for the purpose of removal from office. Divers such judgments have been obtained in consequence of the complaint of private persons. If private persons have a right to complain of mal-administration of officers, the representative body, who are the grand inquest for the province, must a fortiori have that right. But your Excellency intimates, that the process the House of Representatives have now attempted to commence is unconstitutional. The process they first attempted with regard to the Chief Justice was by remonstrance addressed to the Governor and Council, which your Excellency, without communicating it to the Council, thought proper to suppress. The process next attempted was by impeachment, which you think unconstitutional. If it be unconstitutional, it cannot be cognizable by the Court: The jurisdiction of which being affected by the denial of the constitutionality of impeachments, it becomes needful to examine the reasons of that denial. They are given in your Excellency's message, in which you are pleased to say, "that there are no species of crimes committed within this province, which are not cognizable by some established Judicature, and that the Governor and Council have no concurrent jurisdiction with any Judicature in criminal cases, nor any authority to try and determine any species of high crimes and misdemeanors whatsoever," [except at least for the purpose of removal from office, as your Excellency might have added.] "The if you should assume a jurisdiction, and with the Council try officers against the law without authority granted by the Charter, or by a law of the province in pursuance of the Charter, you should make yourself liable to answer for it; and his Majesty's subjects would have just cause to complain of being deprived of a trial by jury, the general claim of Englishmen, except in those cases, where the law may have made special provision to the contrary."

All this may be true, and yet we humbly apprehend it will not support the conclusion, that a process by impeachment is unconstitutional.

The records and papers, containing the transactions of the General Court, having divers times greatly suffered by fire, it is very difficult to apply to them for precedents; nor is it necessary; in if they abounded with them, the first precedent would be, or ought to be, grounded on the reason and nature of the case, which will remain for a guide. But if precedents should be necessary, the most respectable authority (the British parliament) as your Excellency well knows, furnishes a multitude of them. The Commons may exhibit an accusation to the Lords in parliament, by petition, complaint, or impeachment. The House of Representatives are in this province, what the House of Commons are in Britain. The constitutional rights of the latter (among which is indubitably the right of impeachment) belong to the former. Between the House of Lords, and the Council of this province, there is not so near a resemblance: But with respect to legislation, and so far as the Council with or without the Governor are a judiciary body, there is a resemblance. It is now settled by late determination of his Majesty, that the Governor and Council are a judiciary body, with regard to the Probate of Wills, and granting administration, and for determining causes of marriage and divorce: And it is humbly apprehended they also are, with regard to the removal of all officers from offices, to which appointments are made by the Governor and Council. The impeachment made by the House of Representatives, concludes with praying, "that such proceedings, examinations, trials and judgments may be had and ordered on the premises, as may be agreeable to law and justice." This prayer is consistent with the jurisdiction of the Court; who have lawful power to remove from office, or confirm in it, as may be agreeable to law and justice; and therefore may go into such proceedings, examinations, and trials, and form such judgments in and upon the premises, as are incidental and necessarily preparatory to a final decision. We humbly apprehend therefore your Excellency's reasoning does not extend to the present case: For even though the impeachment had been for such high crimes and misdemeanors, as are made felony, it would not induce, or involve in it, an obligation on the court to give an extrajudicial sentence. An executive officer appointed by the Governor and Council may be guilty of crimes, for which by law he is punishable in a variety of ways by the common law courts: If he be impeached for those crimes before the Governor and Council, it is for the purpose of his removal from office, which the other courts have no power to decree. As those courts cannot invade the jurisdiction of the Governor and Council, so the Governor and Council, in any other than their legislative capacity, it is presumed will never attempt to interfere in the jurisdiction of the other courts. It might be supposed the Governor and Council could (and if they act at all they must) trust themselves in the exercise of their jurisdictional powers: Though your Excellency, in reference to that exercise, seems unwilling to trust yourself in the case of the present Impeachment, notwithstanding you consider yourself as having a right of negative on the judgment of the Council. With regard to the Governor's right of negative on the Council, it operates in all acts of government, pursuant to the Charter, "in exclusion of judicial acts," in which it can have no operation: "It being utterly unsuitable to the nature of a court of justice to consist of two branches, each possessing a negative on the other; whereby in many cases, if such was the constitution of the court, it could not give a judgment: Which is incompatible with every idea of a court of justice. On these reasons the late determination of his Majesty in council, with regard to the supreme court of probate, &c. was grounded; and they extend with equal force to the Governor and Council, considered as a court for hearing all complaints, remonstrances and impeachments, relative to the executive officers of the government, and giving judgment thereon either for or against the defendant, by acquitting him, or removing him from his office.

But it may be objected, that the same power, which appoints, should remove.

On which it may be observed, that the appointment is to a trust for the public good, and vests a property (the lawful emoluments of the office) in the trustee. This mode of appointment is particularly directed by the Charter. It is by the Governor with the advice and consent of the Council; neither of whom act in this

matter in a judicial character. But the mode of removal, the Charter being silent about it, must depend on the reason and nature of the thing. These require that the removing power should be conferred, and in fact be, a court of justice. Property, both public and private, being depending and to be settled by that power, determine the nature of it to be specifically judicial, or that it must be a court of justice; which excludes the idea of one of its members, where there is a plurality, being an integral part. There is therefore an essential difference between the appointing and removing power, though consisting of the same persons, when they act in those different characters. To apply this to the Governor and Council, in the first character they have a reciprocal control of each other, agreeable to the Charter. In the latter character, there is no such control, but they together do constitute a court of justice, with powers to form and regulate themselves incidental to all courts, where law has not made provision for that purpose. There is nothing in the Charter inconsistent with this reasoning, but on the contrary, this reasoning is grounded on the Charter. The clause of the Charter, that relates to the subject under consideration runs thus, "The Governor with the assistants and councillors, or seven of them at least, shall and may from time to time hold and keep a council for the ordering and directing the affairs of our said province."—The Governor and Councillors are here blended, and together constitute a council, which in all cases, proper for their cognizance, are jointly (and not as two branches having a negative on each other) authorised and appointed for the ordering and directing the affairs of the province, except in certain cases (particularly mentioned in other parts of the Charter) wherein seven or more councillors are to be advising and assisting to the Governor. The end of this appointment, viz. the ordering and directing the affairs of the province, includes among other things, the removal of bad officers from office, and consequently includes a jurisdiction to hear, try and determine on all complaints, remonstrances and impeachments, for that purpose, which perfectly coincides with the idea of a court of justice; and therefore, according to the spirit and intention of the Charter, the Governor and Council must have that jurisdiction, without which their power for the well ordering and directing the affairs of the province would be essentially deficient.

Upon the whole, we are humbly of opinion, that although there are no species of crimes committed within this province, which are not cognizable by some established judiciary, although the Governor and Council have no concurrent jurisdiction with any judiciary in criminal cases, nor any authority to try and determine any species of crimes (except at least for the purpose of removal from office) it does not thence follow, that "the power by impeachment, upon the Governor and Council's proceeding and determining upon it, is unconstitutional;" nor that their so doing "will be an assuming of a new or unwarranted jurisdiction, and make your Excellency liable to answer for it;" nor that "his Majesty's subjects would have just cause to complain of being deprived of a trial by jury." And we are further of opinion, that a denial of the right of complaining, or remonstrating against, and impeaching for, mal-administration of office, and a refusal to hear and determine such complaint, remonstrance or impeachment, are unconstitutional, will have an unhappy tendency to encourage the executive officers of the government to deviations from their duty; and are incompatible with the safety and happiness of the people. Wherefore this Board declare their readiness to hear, and determine on the impeachment conventioned, or to hear and determine on the charge and complaint since exhibited by the House of Representatives on the same subject, and desire that your Excellency with the Council would appoint a time for that purpose.

And on the next Day a Committee of the House of Representatives waited on the Governor with a Message as follows, viz.

May it please your Excellency, The House of Representatives have attentively considered your Message of the twenty-sixth of February, in which your Excellency is pleased to say, "That you know of no species of high crimes and misdemeanors, nor of any offences against the law, committed within this province, let the rank of the offenders be what it may, which is not cognizable by some established judiciary or judiciaries, and you do not know that the Governor and Council have concurrent jurisdiction with any judiciaries in criminal cases, or any authority to try and determine any species of high crimes and misdemeanors whatsoever." And you also add, that "if you should assume a jurisdiction, and with the Council try offenders against the law, without authority granted by the Charter by a law of the province in pursuance of the Charter, you should make yourself liable to answer." &c. &c. We assure your Excellency, that as we would not willfully neglect any constitutional endeavours for a redress of grievances which your province labours under, so neither would we desire you to assume any jurisdiction not authorized by the constitution of the province. But your Excellency will allow us to say, that the sentiments advanced in your message, and on which you ground your refusal to comply with our request, are new and very alarming to us. And as the point in question is of weighty importance to the province, we cannot refrain from freely expressing our minds upon it.

By the charter of this province, the Governor with the advice and consent of the Council, has the sole power of appointing Judges and other civil officers; and though there is no power of removal expressed in the Charter, yet such power is necessarily therein implied, and the greatest evils and inconsistencies would arise from a want of it. As no officer ought to hold his office, when his crimes and misdemeanors have rendered him unfit for it, the Governor and Council who have the power of removal, will naturally enquire into the truth of the charges against the officer, previous to the removal; the contrary of which procedure must suppose, either that an officer cannot be, or is not to be removed from his office, or else, that he may be removed upon the bare allegation of crimes and misdemeanors, without enquiry into the truth of them; neither of which your Excellency can be supposed to assert. As therefore officers must be removed for crimes and misdemeanors, and previous to such removal there must be an enquiry into the truth of such allegations, such enquiry must involve in it the power of notifying and hearing the officer accused; and it must issue in a judgment and determination, that the officer ought, or ought not, to be removed.

This procedure, necessarily involved in the power of appointing officers, is in essence a judiciary; and to this purpose the Governor and Council must have cognizance and jurisdiction of crimes and misdemeanors charged upon officers, as it is on the truth of such a charge that the officer is to be removed. This jurisdiction of crimes and misdemeanors, being for a particular purpose, may not be said to be concurrent with the other judiciaries; as the only punishment to be inflicted in consequence of conviction is removal, and other judiciaries, as the case may be, may take cognizance of such crimes and misdemeanors, and punish them as breaches of law. But it is not consistent with the dignity and importance of the Governor and Council, vested with the power of removing officers, that they should wait the event of a trial by a jury (which may never take place) before they proceed to enquire into the reasons and necessity of such removal. And we would further observe, that there are high misdemeanors respecting the execution of an office, which may disqualify the officer and render him liable to removal by the power which appoints him, but yet may not be of such a nature as to subject the officer to punishment by the ordinary courts of justice. Should a Judge dismiss a Grand Jury soon after their being

impaneled, without permitting them to find any bills of presentment—Should he be charged with gross negligence and inattention to the duties of his office, or with great partiality or other corrupt practices, no one, we trust, will say, that such a Judge should not be punished: But we do not know that the ordinary courts of judicatory would take cognizance of such offences, neither can we suppose, that the Governor and Council would remove such a Judge, without due enquiry into the truth of the charge. From the very nature of our constitution, there must be some where a supreme court who have cognizance of the crimes and misdemeanors of high officers, so far at least, as is necessary for their removal: This supreme court, we take to be the Governor and Council; and to this court are to be presented, all complaints touching the misdemeanors of judges. When complaint is thus made of the crimes and misdemeanors of a Judge to the Governor and Council, who have cognizance of his conduct and power of removal, we think the Governor and Council will and ought to enquire into the charge, previous to the removal; and that for this purpose, from the nature and necessity of the thing, the Governor with the Council do "make one Court or judicatory body." And that, for the same reasons that the Governor and Council are a court for the probate of wills, and deciding controversies concerning marriage and divorce, because, though the removal, in itself considered, may be an act of government, yet, when the proof of misdemeanors is necessary, the enquiring into and determining on such misdemeanors, involves in it, a judicial act, which constitutes a court.

If this be not the true description of our constitution, respecting the removal of officers, we are at a loss to know, of what use the Council are, or what their department is in Council; for, to suppose that the Council are to be advising and consenting to the removal of an officer, without enquiring into the truth of any charge against him, is inconsistent and incongruous. It is intently in the discretion of the Governor, whether the misdemeanors of an officer shall be enquired into or not, it is then in the power of the Governor to give a sanction to the most flagrant corruption of a Judge, and by keeping a misbehaving officer from examination, to subvert the justice of the province.

We therefore apprehend, that when a charge is thus made against a Judge before the Governor and Council, it ought to be examined; and if it be not proved, or if what is proved be not sufficient ground of removal, the determination will be accordingly.

We are not disposed "to ground our construction of the Charter on detached paragraphs;" but to consider all the parts, the intent and purview of the whole. And to us it therein appears, that we are expressly intitled to all the liberties enjoyed by the parent State, though at the distance of three thousand miles from the said parent State; and that the constitution of our government was designed as "an epitome of the English constitution;" and that such procedures as we now pray for, have always been had and used in this government, as the case required.

Your Excellency in your message of the fifteenth of February is pleased to say, "If you should comply with our request, or take any steps in order to the removal of the chief justice from his place merely for receiving a salary thus granted him by the King, you should make yourself chargeable with counteracting his Majesty, and endeavouring to defeat his Royal intention expressly signified to you, and you should fear some mark of his Royal displeasure;" and therefore you say "In duty to the King you are obliged to decline our request." To this we beg leave to answer; that the articles of impeachment referred to, in your Excellency's message of the twenty-sixth of February, and which your Excellency therein signified your refusal to receive, contain other matters besides merely receiving the grant of the King; and such matters as the representative body of this province thought themselves in duty bound to complain of to your Excellency and the Council, in order that enquiry and determination might be had thereon. We apprehend that we can clearly prove, that the articles of our complaint are of the same kind with great numbers made by the House of Commons in England, against high officers. As instances of this kind must be fresh in your Excellency's memory, we think it needless at present to adduce them. And as it never was supposed in England, that the dignity of the King was affected by any charges against his officers, we cannot conceive why it should here; for though it is a maxim, that the King can do no wrong, yet, by the misrepresentations of his officers much wrong hath been and may again be brought to pass. If any person may by his conduct, break through the constitution of the province grounded on the Charter and confirmed by constant usage, without being liable to be called to account by any judicatory here, merely because the Royal assent to such construction hath been procured, we do not know where such practices will stop; and we fear, that by degrees, without our even having an opportunity of being heard, one innovation after another may be forced upon us, till there will be not only "an abridgment of what are called English liberties," but a total subversion of the constitution.

We assure ourselves, that were the nature of our grievances fully understood by our sovereign, we should soon have reason to rejoice in the redress of them. But, if we must still be exposed to the continual false representations of persons who get themselves advanced to places of honour and profit by means of such false representations, and when we complain we cannot even be heard, we have yet the pleasure of contemplating, that posterity for whom we are now struggling will do us justice, by abhorring the memory of those men "who owe their greatness to their country's ruin."

On the 9th Instant his Excellency the Governor, without the usual and Parliamentary Notice from the several Houses of their having finished all the necessary public Business that lay before them, and without allowing himself Time to consider several important Bills which had passed the two Houses, was Pleaded to put an End to the Session, after having directed the Secretary to read in each House the following short but very extraordinary Message, viz.

Gentlemen of the Council, and Gentlemen of the House of Representatives,

I have omitted nothing in my power, consistent with my duty to the King, which had a tendency to promote harmony and good agreement in the legislature, the present session. I have paid over without notice the groundless, unkind and libelous charges and insinuations made by each of the other branches against the Governor, rather than any part of the public business of the province should be left unfinished; but as some of your votes resolved, and other proceedings which you have suffered to be made public, strike directly at the honour and authority of the King and of the Parliament, I may not neglect bearing public testimony against them, and making use of the powers vested in me by the constitution, to prevent you from proceeding any further in the same way.

Province House, March 8, 1774.

We are informed that the House of Representatives had some previous Notice of the Governor's Design to put an End suddenly to the Session, and ordered their Door to be locked, till they finish-

ed some important Business; among which was a Resolve that they had the Satisfaction of having done all in their Power in the Capacity of Representatives, to effect the Removal of Chief Justice OLIVER, and the Governor's Refusal was presumed to be, "because he himself received his Support from the Crown" independent of the People. The Assembly however was prorogued before the House could complete all the necessary Business.

From the PUBLIC LEDGER, of December 31. To the PRINTER.

SIR, Great George Street, December 18, 1773. WHEN the malice of my enemies, by falsely impeaching my character, had put me to the hazard of my life, I flattered myself it would have rested silent and fastidious: But I understand they are still busy with my reputation, and are endeavouring by a thousand misrepresentations to destroy that good name, which to me is inestimable. I am compelled to trouble the public with a detail of those circumstances which obliged me to appeal to the sword. I hope to show that my conduct in so doing was proper, as far as complying with a custom, the tyranny of which I confess, I have not fortune to resist, can be justified.

It is with infinite regret I find myself obliged to mention Mr. Whately, and that sometimes in terms of censure. The part he took in the question made me feel myself aggrieved by him. He answered me in the field like a man of spirit and a Gentleman. It is with pleasure I do this justice to his character.

When Mr. Whately was apprized of some original Letters from Gentlemen in America to his late Brother having been sent over and made public at Boston, he called upon me to read part of a Letter from Mr. Oliver, complaining of the publication of his Letters, and mentioned that he had given me access to some of his Brother's Letters from his Correspondents in America. He accompanied this with a declaration, that he had not the least suspicion of me, and did not know that those published Letters were ever in his possession; but he wished I would authorize him to say I had them not from him. I gave Mr. Whately every assurance that a Gentleman could give, that I had not taken any one Letter, nor a line of one, from among those he shewed me, but such as he saw and gave me leave to take, and which were all written by my Brother and myself. I did this repeatedly, and in the most explicit terms. Mr. Whately appeared perfectly satisfied; and I own, I did not expect he would have mentioned that transaction again in any manner that could throw a possibility of suspicion on my character. For in my apprehension, when a Gentleman has pledged his honor to another, to intimate, or countenance a suspicion of him afterwards, leads inevitably to the consequences which have attended this transaction. Some time after this explanation between Mr. Whately and myself, several paragraphs appeared in the News-papers highly injurious and dishonourable to me. I was held forth as a monster of ingratitude, and as a villain, who, under the cover of friendship, watched for an opportunity, when Mr. Whately's back was turned, to rob him of papers which were in confidence put into my hands. Of these things I took no public notice, not because they gave me no uneasiness, but because I knew not how to redress myself. A search after the Authors of them I conceived would be vain. Such malevolent attacks could have been made by none but cowards, who would take care to conceal themselves. It seemed impossible that Mr. Whately could have had any knowledge of the Authors, or could have given any countenance to such aspersions, after the solemn assurances which I had given him; nor should I have troubled him on the subject if his name had not been used as an authority to support these false and malicious assertions. These Writers artfully suppressed three very material circumstances in their representations; that Mr. Whately did not know the Letters sent to Boston were ever in his possession; that of those which he put into my hands none appeared to be missing, which could not have been the case if seventeen Letters and some of them very long, had been taken away; and that I had given him every assurance which a Gentleman could require or receive, that no such Letters had been taken by me. Without the use of Mr. Whately's name, the charge would have had no effect upon the Public. That Gentleman suffered the unfair and injurious representations, under the sanction of his name, to pass unexplained. I do not expect he saw the purpose to which the men who gained intelligence from him were applying it, that he would in justice to truth, and to me, have stated the whole as above. If he had done so, I appeal to the judgment of the Public, whether any suspicion would have rested upon me, or any serious consequences followed. I did not ask this of him, because I thought he ought to have done it unasked. There is an indelicacy in urging a Gentleman to do that which is his duty, and owes its merit to its being voluntary. The suspicion against me upon an unfair state of facts, aided, I suppose, by the private slanders of those who raised it, secretly gained ground; and on the 8th of this month a Writer, under the Signature of Antenor, renewed the accusation of me by name, vouching it with a conversation which he seems to have himself held upon the subject with Mr. Whately.

Under no direct charge, I thought it would not become me to be any longer silent. I went with the paper to Mr. Whately, and received from him, as I imagined, a satisfactory denial of those pretended facts, which materially supported the suspicion. This I made public: Mr. Whately then came forward with his name. He omitted to state what was solely essential, that he did not know the Letters in question were among those he put into my hands, and that none of those with which he had entrusted me appeared to be missing, but related the matter in such a manner as strongly to corroborate the anonymous charge, and gave me, to my understanding, the lie direct. They who have any feelings of honor will not wonder that I was impatient under such an imputation, and thought every moment miserable, till I had called upon him, from whom I received such an affront, for honorable amends. The Public is acquainted with the sequel: But the circumstances of that affair have been so falsely represented to my dishonor, that I am obliged to beg a moment's indulgence, till I state that transaction fairly.

The Gentleman, who waited upon Mr. Whately with my invitation, told him he would attend me as a Second, if Mr. Whately would have one on his part. Mr. Whately declined having any Second, and therefore I brought none. He appeared at the place appointed with a sword only. I gave him one of my pistols. We discharged them mutually; mine being, at his request the first, without effect. If his was not directed at me, it escaped my observation. I then drew my sword, and approached him, who had also unsheathed his, with a perusal, grounded on his coming with a sword only, when the choice of weapons was in him, that I was to encounter an adversary much superior to myself in skill. I soon found my mistake; and, as far as I could reason in such a situation, determined, by wounding him in the sword-arm, to end the business, without a fatal stroke. But my skill was not equal to my intention; it was become a struggle, instead of a regular combat, and I could only avoid making a full lunge, which probably would have wounded him mortally. The contortions of my antagonist's body, during the struggle, exposed parts, which in a regular encounter could never have been touched. When he turned himself to seize the blade of my sword, with his left hand, I supposed he received the wounds in his left side; and in some violent effort his shoulder must have been exposed. The extreme finalities of the wound in that part being, as I am well informed, a mere puncture, proves it to have been accidental. Had my purpose been unfair, I should have taken the life that was in my power; had it been mortal, every wound would not have been superficial, and one only dangerous, not from its depth, but its direction. I understand it has been said he was down. In such circumstances it is as impossible to answer every thing that happens, as to remember every thing that passes. But of this I am very sure, that, though he slept once, he never fell.

T. HUTCHINSON.

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It is proper to apprise the reader that I am unfortunately very deaf. If any words of accommodation, as has been represented, were really used by Mr. Whately, I did not hear them. They who expect coolness in the midst of such a conflict, and deliberation in the moment of a deadly point being at one's breast, require too much. It is well that the passion, which rises in such an occasion, did not alter imperceptibly my general determination not to push to forcibly to make a deep wound. It is with confidence I can affirm, I was not guilty of any unfair action, because I never had an unfair thought—not of a cruel one, because my purpose was the reverse.

I have received no bodily wounds; but they whole minds can feel for consequences, which they could not with honor avoid, will understand me when I say, that I have felt these wounds which far surpass in anguish every bodily pain.

The anonymous assassins, who have been really the cause of this mischief, remain unknown; but time, I trust, will drag them forth to the punishment they deserve.

Of those to whom I am unknown, the candid and honorable, are, I hope, convinced, that the injurious charges which have been brought against me, are totally without foundation.—With those to whom I am known, I flatter myself, the constant tenor of my life has rendered a defence of my conduct unnecessary.

I have but a few words more to say up on the subject.—As Mr. Whately's narrative tends to confirm the suspicion of my having taken from him the letters which were sent to Boston, I do again most solemnly affirm, that I neither took from him those nor any other letters, but such as were written by my brother and myself to the late M. Whately, and that with his knowledge and consent; nor had I any concern, directly or indirectly, in procuring or transmitting the letters which were sent to Boston.

J. TEMPLE.

Russia Duck, best Petersburg Hemp,
Dutch Rope Yarn, also a Quantity of choice Yarn, fit to make into Cordage of any Size, great part of which will do for rigging small Vessels without working over—
To be Sold at **Thomas Walley's Store** on Dock-Square.

—Where is to Sell by Wholesale or Retail—

Dutch Looking Glasses of various Sizes,
Dutch Brushes, single or by the set,
Hampers Stone Ware, viz. Qt. & Pt. Mugs and Chamber Pots,
A few Casks Choice Rice, (her Pot),
All sorts of Spices very low, *Oatmeal per Bushel*,
A parcel of fine Naraganiet and P. mixed Cheese,
New Raisins, Currants, and all sorts of Groceries as usual.—*Except TEA.*

N. B. A Quantity of choice 3 threaded Sein Twine,
for Salmon, Mackerel or Herring Nets,
Also, White Beans per Bushel.

All Persons indebted to the Estate of John Ruddock, late of Boston, Esq; deceased, are desired to settle the same with Abiel Ruddock, Administrator, or they will be sued at next April Court: And all who have any demands on said Estate, are desired to bring their Accounts to said Administrator for Adjustment.

To be SOLD at the Store of **ABIEL RUDDOCK,**

At the North End, cheap for Cash or short Credit,
St. Martins Salt, Lignum Vita, Anchors,
Grapple Whales, Whale Iron Lances, Blubber, Hooks and Spades, a Slay and Harrow, an Engine in good Order with its Appurtenances; and also a Brig of 105 Tons, Boston Built, about Four Years old, has always been in the *Whale Fishery*: Also a Sloop of 34 Tons, about Five Years old, both in good Order.

GUN POWDER.

Choice Gun Powder just Imported in Capt. GORHAM, And to be SOLD by

Amory's, Taylor & Rogers,

At their Store in Marlborough Street, where may be had as usual a general Assortment of
English, India and Hard Ware GOODS
on reasonable Terms by Wholesale and Retail—
—VELVET CORKS.—

A few Casks of very good Sherry Wine, and a few Hogsheads of old West-India Rum, to be sold Cheap at Nathaniel & William Coffins Store.

John & Eleanor Drutt,

Most respectfully acquaint their Friends and the Public, they continue to keep School as usual, in Hanover-Street, near Concert Hall.

JOHN DRUITT, Instructs Young Ladies in the Rudiments of English, Epistolary-writing, Writing, and Arithmetic:—for their more speedy Improvement, intends to devote himself intirely to their Service, and not take Boys.

ELEANOR DRUITT, Instructs them in French Grammatically, Reading English, and Orthography: likewise the following Needleworks, viz.

Point, Brussels, (Gold, Silver and Silk) Embroidery's, Dresden, Tambour, Feather-Stitch, & Darning, with a great variety of Open-work; Tapestry, Carpet, diaper and plain Darning, Knitting, Marking, Plain-work and Baby-linen, &c.

As it has been apprehended by some Ladies, that said Drutt do not teach Plain-work; now informs them she does, and with equal care and assiduity, as she performs the rest of her undertakings.

They tender their most grateful thanks to those who have favoured them with the care of their Children; and assure the Public, they will exert their utmost abilities in the improvement of their Pupils.

It has been rumoured, they were leaving the Province; but is intirely false.

See Hutchinson's Oliver's &c Letters, page, 1144, &c

TO BE SOLD By Joseph Hall,

At his Shop in Co's Lane,
New-England and West-India RUM, by Wholesale and Retail; Old Jamaica Spirits, Brandy, Madeira, Teneff, Malaga, and Claret WINE, by the Gallon & K-gs. Cinnamon, Clove, Anniseed, Snake-root and Obede WATERS; GENEVA by the Gallon; LEMMONS by the Box, Bundred or Dose; and a few Fekins of BUTTER.

HABIJAH SAVAGE

HAS for Sale at his Store No. 16, on the Long Wharf, A Quantity of FLOUR just arrived, new Rice, Cocoa, West India & New-England Rum, French Brandy, Leaf and Brown Sugar, Cotton Wool, Indigo, Coffee, Window Glass, Pipes, Cakes with Bottles, Cane Bottles, Red Wood, Log Wood, Brimstone, and a Quantity of Corn, &c.

N. B. Fifty Barrels FLOUR light, fit for the West-Indies.

PUBLICK AUCTION.

On TUESDAY the 29th MARCH will be Sold by PUBLICK AUCTION, at the Dwelling House of Mr. JOHN MICO WENDELL, deceased, a variety of Household Furniture—consisting of—

Tables, Chairs, Pier Glasses, Mahogany Case of Draw, Bureaus, Feather Beds, Bedsteads, Household Linen, Kitchen Furniture, Plate, &c.

The Sale will begin at 9 o'Clock, A. M.

PUBLIC VENDUE of House Furniture,

On WEDNESDAY next, the 16th Instant, at NINE o'Clock will be sold by PUBLIC VENDUE, at the Dwelling-House of the Widow ELIZABETH HEWES, deceased, near Trinity-Church, in Summer-Street; All the Household Furniture of said deceased, consisting of

A good Eight-Day Clock, Looking-Glasses, Chest of Draw, Tables, Chairs, Beds and Bedding, sundry Pieces of Plate, Glass, China and Delph. Ware, Andersons, Shovels and Tongs, a good Jack, Pewter, Brass, and sundry Kitchen Furniture.

Wm. GREENLEAF, Auctioneer.

The Furniture may be viewed the Day before the Sale.

TO BE SOLD.

Laying in the Province of New Hampshire, Three valuable Tracts of Land, consisting chiefly of Interval and high Interval Land, the Growth of which is mostly Rockmple, Beach and yellow Birch Trees, containing in the Whole about 4000 Acres, lying on Saco and Ellis's Rivers, distant from Falmouth about 50 Miles, from Dover about 45 Miles, from Fry's Town only 8 Miles: Each Tract lying on a County Road. For further Particulars inquire of WILLIAM GREENLEAF of Boston.

TO BE SOLD OR LETT.

A good FARM in Newton, and entered upon the first Day of April, containing One Hundred Acres of good Land, with a House and Barn thereon, all in good Repair, well proportioned for Mowing, Plowing and Orcharding, &c. with a Stream that runs thro' said Farm, never known to be dry.—For further Particulars inquire of Abraham Fuller, Esq; living near said Farm, or of Amariah Fuller, living on said Premises.

MILLENARY.

Sundry Articles of MILLENARY to be Sold at Mrs. MECOM's, a little to the Northward of Concert-Hall, opposite GREENLEAF's Printing Office; Sattins of the newest Fashion for Cloaks and Bonnets, the nicest chip Hats and the common Sort for covering. An Assortment of genteel Ribbons, Perfumes, Allamodes, Sewing Silk, Mullins, Gloves and Mitts, Gimp-trimings, Gauzes, Black Lace & Edgings, black ditto, Esp-wire, Tooth-brushes, Silk Laces for Stays, Pins, Needles, Threads, Tapes, Bindings, Durants and Tammies. Also, ready-made Caps and Hoods, &c. &c. &c.

ALL Sorts of MILLENARY Work done with Care and Expedition, as usual.

All Persons indebted to, or that have any Demands on the Estate of Mr. Edward Brick, jun. late of Dorchester, Yeoman, deceased, are desired to bring in their Accounts to Dr. Thomas Williams, of Roxbury, Administrator, in Order for Settlement.

Whereas the Copartnership of Simon Whipple and Company is mutually Dissolved—These are to Desire all Persons that have Accounts open, and are indebted to said Company, to settle and pay the same as soon as may be; and those that have any Demands on said Company, are desired to apply to Simon Whipple, who will discharge them immediately.

Choice St. Georges Stone Lime, to be sold by WHIPPLE and WHEATON, at Dawes's Wharf.

WANTED TO HIRE,

A Sloop or Schooner, between 50 and 60 Tons Burthen. Enquire of CHARLES LOW, in Marshall's Lane, opposite the Boston Stone, near the Mill-Bridge.

Just IMPORTED, and TO BE SOLD by

John Decosta

In Milk-Street, a little below the Old South Meeting House; Beans, Peas, and a Variety of other Garden Seeds; Fresh and Good; also a Variety of young Fruit Trees, Grafted and Inoculated; all R. outland Plants, all at Reasonable Rates.

TO BE SOLD AT PUBLIC AUCTION, By Benjamin Church.

At his usual Place & Sale,

On Thursday the 17th Day of March, Sundry Goods belonging to the Estate of Capt. Henry Oman, late deceased—consisting of—

Tammies, Durants, Callamancoes, Crapes, Doublets, Poplins, Percales, Sattins, Ribbons, Irish Linens, Checks, German Serpes, printed Handkerchiefs, Velveers, Worsted Pluishes, striped Damasks, Moree Gowns, Trowsers, Quailines, Pins, also a Variety of Wearing Apparel, and sundry other Articles.

N. B. The Sale to begin at 10 o'Clock, A. M.

Wanted a Quantity of Thrumbs for the Caulker's Business, for which cash will be given; also to be SOLD a few Punchons, and forty Gallon Casks of old choice Jamaica Rum. Inquire of the Printers.

WANTED.

A Boy about 14 or 15 Years old, to a Mason's Trade. Inquire of the Printers.

By Virtue of an Act of the General

Court, in the Province of New-Hampshire, the Proprietors of the Land in Francestown, formerly New-Boston station, are desired to Pay the Tax due, by Virtue of said Act, unto John Quigley, Esq; who is empowered to Collect the same, in Order for Building a Meeting House in said Town, the Tax being One Pound Five Shillings, Local Money, on the Last or Hundred Acres: And if the said Tax is not paid on, or before the Eleventh Day of April, so much of the Delinquent's Land will be Sold at Public Vendue as will Pay the Taxes with cost of Sale, at the House of Mr. Pierce, Innholder in Groton, on Monday the 11th Day of April, at 3 o'Clock in the Afternoon of said Day. Francestown March 7, 1774.

WHEREAS the Proprietors of Land in the Township of Leicester on Otter Creek, (which Township was granted by the Governor and Council of New-Hampshire) did at their Meeting in January 1773 Vote, That the Sum of Four Dollars should be raised and levied on each original Right; and also at their Meeting in March following Voted, That the Sum of One Dollar as aforesaid, for the Bounding and Loting out said Township, and for the managing and carrying on any other Affairs for the common Good of said Propriety, and that a Committee be appointed to settle the same.—Therefore we the Subscribers being appointed a Committee for the Purpose aforesaid, do a third Time notify the Proprietors to pay the same to Mr. Isaac Stone, Collector, or to Capt. Eliza Child, Treasurer, at or before the adjourn'd Meeting of said Propriety, which will be on the last Tuesday in April, which will be the 26th Day of said Month, at Nine o'Clock in the Morning, at the House of Nathaniel Child, Esq; of Woodbeck, in the County of Windham, and Colony of Connecticut; otherwise their Rights will be exposed to Sale, at the House of the said Nathaniel Child, Esq; at Ten o'Clock on said Day, according to Law.

Woodbeck, Nathaniel Child, Esq; Collector.

March 3, Eliza Child, Treasurer.

1773. Samuel McClelland } Committee.

THE original Proprietors of a Township called Pennicook, now Concord, and the original Proprietors of a Township called Suncook, now Pembroke, (both in the Province of New-Hampshire) or the Heirs or Assigns of said original Proprietors; are hereby Notified that the General Court in their present Session, hath granted to each Propriety a Township in the last Province of Main, and appointed the Subscribers a Committee to exhibit a List to said Court, within 30 Months from the Date, of the Names of the Persons that have been Sufferers who have a just Claim to an Interest in the one or the other of said Townships:—This is therefore to give Notice to the said Pennicook Proprietors, and the said Suncook Proprietors, that the Committee will attend said Service at the House of Mrs. Hannah Osgood, Innholder in said Pennicook, on the second Wednesday in October next, ensuing, to receive authenticated Evidence of said Sufferers Claims to an Interest in the Township granted to the said Pennicook Proprietors, and that they will attend said Service at the House of Mr. Samuel Conner, Innholder in said Suncook, on the third Wednesday in October aforesaid, to receive like Evidence of the said Sufferers Claims to an Interest in the Township granted to the said Suncook Proprietors.

Feb. 22, 1774. Samuel Phillips, Joseph Gerrish, Jonathan Webster } Committee.

(Advertisements omitted will be in our next.)

CUSTOM-HOUSE, BOSTON.

ENTERTD IN.

Nicelsen Jamaica and Cape Nichola; Orme, Gander and St. Eufrasia; Caswell, Madeira; Cordeau, Folger, Eldridge and Howes, Cape Nichola; Ayres, Grenada and St. Lucia; Rich, Hyphini, White, Kiden, Callings, Godfrey and Pulling. North-Carolina; Smith and Paine, Maryland; Summers, Hawley and Burroughs, New Haven.

Burials in the Town of BOSTON, since our last Eight Whites. Three Blacks. Baptiz'd in the several Churches, Nire.

High Water at BOSTON, for the present Week.
Monday, 54 min. aft. 7 } Friday, 54 min. aft. 7
Tuesday, 51 min. aft. 8 } Saturday, 53 min. aft. 8
Wednesday, 49 min. aft. 9 } Lord's-Day, 15 min. aft. 10
Thursday, 5 min. aft. 10 } New 11 Day 54 min.

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